

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
LAFAYETTE, DISTRICT**

USAA GENERAL INDEMNITY COMPANY,
Plaintiff,

v.

LAWRENCE W. LOPER,
JENNIFER L. LOPER and
FREEDOM BANK,

Defendants.

CASE NO.: 4:21-cv-0020

UNCONTESTED MOTION TO TRANSFER

NOW COMES the Plaintiff, USAA GENERAL INDEMNITY COMPANY (hereinafter “USAA”), by counsel, and in support of its motion to transfer this matter from the United States District Court for the Northern District of Indiana to the United States District Court for the Southern District of Indiana states as follows:

FACTUAL ALLEGATIONS

1. This cause of action arises out of a fire and insurance claim made by Defendants, Lawrence Loper and Jennifer Loper (hereinafter the “Lopers”), wherein the Lopers’ residence was destroyed.

2. On February 26, 2021, Plaintiff USAA filed its Complaint for Declaratory Judgment against the Lopers and Defendant Freedom Bank, the mortgage holder for the Lopers’ Residence, in the United States District Court for the Northern District of Indiana.

3. In an effort to file this proceeding in the appropriate District, Plaintiff attempted to locate Lopers’ new residence to serve them with the Summons and Complaint.

4. USAA through counsel attempted to find the Lopers' new residence through the United States Postal Service branch in Santa Claus, Indiana – where the Lopers lived at the time of the fire damaging their residence.

5. The USPS provided a new address for the Lopers indicating that they lived in Tippecanoe County at 1202 Burberry Drive, Lafayette, Indiana 47905, which is located within the Northern District of Indiana. (See attached Exhibit A).

6. Correspondence from counsel for Plaintiff and summonses then issued to the Lopers at the Lafayette, Indiana address via regular and certified mail on March 12, 2021. See Exhibit B.

7. Upon receipt of the correspondence and summonses that were sent to the Lopers at the Lafayette, Indiana address, the Lopers executed their Waiver of the Service of Summons on March 15, 2021.

8. Upon information and belief, venue was proper in this District under 28 USC §1391.

JURISDICTION AND VENUE

9. Based on the Lopers' representation that their residence was and is in Spencer County, Indiana, the Southern District of Indiana has jurisdiction over this action.

10. The Southern District of Indiana also has jurisdiction over Defendant, Freedom Bank, as it is an Indiana financial institution with its principal office located at 1405 N. Main Street, Huntingburg, Indiana, Dubois County.

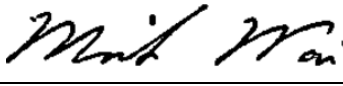
11. Venue is proper in the Southern District under 28 USC §1391 because jurisdiction is based on diversity of citizenship and the events giving rise to this claim occurred in the Southern District.

12. Defendant Lawrence Loper; Defendant Jennifer Loper; and Defendant Freedom Bank through counsel, John G. Wetherill, have no objection to the transfer of this matter from the Northern District of Indiana to the Southern District of Indiana, as indicated in open court on June 17, 2021.

WHEREFORE Plaintiff, USAA General Indemnity Company, prays that this matter be transferred from the United States District Court of the Northern District of Indiana to the United States District Court of the Southern District of Indiana, by agreement of the parties, and for any and all just and equitable relief as this Court deems appropriate.

Respectfully Submitted,

KOPKA PINKUS DOLIN PC

By: 

Minh C. Wai (22780-45)
Attorney for USAA General Indemnity
Company

KOPKA PINKUS DOLIN PC
9801 Connecticut Drive
Crown Point, IN 46307
Tel. (219) 794-1888
Fax (219) 794-1892
Email: mcwai@kopkalaw.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 25th day of June, 2021, the foregoing is filed through the Court's ECF system and notice has been electronically served on all parties/counsel of record.

Lawrence W. Loper
billyloper@yahoo.com

Jennifer L. Loper
lawrenceloper@yahoo.com

John G. Wetherill
jwetherill@wetherilllaw.net

/s/Lori Wilson

From: Bailey, Cheryl L - Santa Claus, IN <Cheryl.L.Bailey@usps.gov>

Sent: Thursday, February 25, 2021 2:11 PM

To: Timothy G. Raymond <tgraymond@kopkalaw.com>

Subject: RE: [EXTERNAL] File: 95426 Claim No 017300513-002 Forwarding Address Information

The new address is:

1202 BURBERRY DR E APT 168
LAFAYETTE IN 47905-6563-43

Cheryl Bailey
Postmaster
America's Christmas Hometown
45 North Kringle Place
Santa Claus, IN 47579
812-937-4469